

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

WP(C).No. 19144 of 2005(D)

PETITIONER:

B.C.CHERIYA SAHIRA, RASHEEDA NIVAS,
KOTTAYANTHER, PADNE P.O. HOSDURGE TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO CO-OPERATIVE DEPARTMENT,
THIRUVANANTHAPURAM.
2. THE JOINT REGISTRAR, CO-OPERATIVE
SOCIETIES, KASARAGOD.
3. THE SALE OFFICER CUM SENIOR INSPECTOR,
HOSDURG PRIMARY CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK LTD., NO.C.390.
P.O.KAHNAGAD.
4. THE HOSDURG PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.,
NO.390. CHERUVATHOOR BRANCH, REPRESENTED BY ITS
MANAGER, KASARAGOD DISTRICT.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR FOR R4
G.P.SRI.P.N.SANTHOSH FOR R1 TO R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) NO. 19144/05

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of the circular dated 30-3-2005 declaring entire Kasaragode Dist. As drought affected area.

P2: True copy of the common guidelines for priority sector advances issued by the RBI dated 11-11-02

P3: True copy of the sale notice dated 16-5-05

P4: True copy of the reply sent by the petitioner.

K. Thankappan, J.

W.P.(C). No. 19144 of 2005

Dated this the 10th November, 2006

JUDGMENT

Petitioner had availed a housing loan of Rs.1,00,000/- from the respondent bank on condition that the amount shall be repaid by instalments. As the petitioner could not remit the amount in time, steps have been taken against the petitioner to recover the amount and now Ext.P3 sale notice has been issued against the petitioner. The petitioner submits that due to drought and slashing of price of crops, he could not remit the instalments in time.

2. When the writ petition came up for admission this Court ordered that the sale scheduled as per Ext.P3 would stand adjourned for a period of four months on condition that the petitioner deposits an amount of Rs.15,000/- per month, payable on or before the 15th of every month, commencing from July, 2005. Learned counsel for the respondent bank submits that the petitioner has not complied with the interim order and he has deposited only an amount of Rs.15,000/-. The petitioner submits that he is ready and willing to remit the amount provided that he may be given the benefit of one time settlement on the basis of the circulars issued by the Registrar of Co-operative Societies.

3. Considering the facts and circumstances of the case and that the petitioner is willing to pay the amount, the respondent bank is directed to consider the claim of the petitioner for the benefit of one time settlement scheme with instalment facility, for which the petitioner has to file an application before the respondent bank and remit Rs.15,000/- within one month from today. If the petitioner files the application and remits the amount, as ordered by this Court, the respondent bank shall consider the application and take a decision on the matter as early as possible, at any rate within 30 days from the date of remittance of the amount and filing the application. Till a decision is taken by the respondent bank, all further steps pursuant to Ext.P3 notice shall be kept in abeyance. If the petitioner fails to remit the amount and file the application within the stipulated time, the respondent bank can proceed against the petitioner on the basis of Ext.P3 notice.

The writ petition is disposed of as above.

**K.Thankappan,
Judge.**

mn.

K. Thankappan,J.

W.P.(C) No. /2006

Judgment
20-9-2006